

# State Office of Administrative Hearings



Shelia Bailey Taylor  
Chief Administrative Law Judge

May 21, 2008

CHIEF CLERKS OFFICE

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TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Les Trobman, General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: SOAH Docket No. 582-07-3620; TCEQ Docket No. 2006-0560-PST-E  
Executive Director's Enforcement Action Against Murmur Corporation

Dear Mr. Trobman:

The above-referenced matter is scheduled to be considered by the Commission on June 4, 2008.

After reviewing the modifications filed by the Executive Director, I recommend the Commission modify the proposed order as requested.

After reviewing the exceptions filed by Homer Kirby for Murmur Corporation, I recommend the Commission overrule them all. In Order No. 1, I granted Mr. Kirby's request of August 27, 2007, to reconvene the hearing. The order notified Mr. Kirby of the date of the reconvened hearing but did not grant Mr. Kirby's request that "a future telephone hearing would be appreciated." Order No. 1 was mailed to Mr. Kirby at the address on his letterhead and was not returned to SOAH as unclaimed or undeliverable. For these reasons, I recommend the Commission overrule Mr. Kirby's exceptions and issue the proposed order as modified by the Executive Director.

Sincerely,

*Carol Wood*

Carol Wood  
Administrative Law Judge

CW/ds  
cc: Mailing List